

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: ROBERT HAROLD BENDY, JR., M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Robert Harold Bendy, Jr., M.D. ("Dr. Bendy") freely and voluntarily enter into the following Consent Order pursuant to W. Va. Code § 30-3-14, et seq.

FINDINGS OF FACT

1. Dr. Bendy currently holds an active license to practice medicine and surgery in the State of West Virginia, License No. 16475, issued in 1991 by the Board, and his address of record is in Fayetteville, West Virginia.

2. In December 2007, the Complaint Committee of the Board ("Committee") received a complaint against Dr. Bendy from a pharmacist regarding Dr. Bendy's prescribing practices at the Maybeury Clinic in McDowell County, West Virginia.

3. Dr. Bendy filed a timely response to the complaint.

4. Further investigation ensued and the evidence obtained included an individual who in 2006 obtained from Dr. Bendy in Dr. Bendy's office, prescriptions for Schedule III controlled substances for his wife who was not present, but incarcerated at the time for forgery and uttering.

5. In addition, the evidence obtained showed a confidential informant who in 2007 was provided two (2) prescriptions for himself by Dr. Bendy in Dr. Bendy's office for

Schedule III and IV controlled substances, and one (1) prescription for a Schedule III controlled substance for the spouse of the confidential informant, who was not present.

6. Charges in a Complaint and Notice of Hearing have been filed by the Board against Dr. Bendy, setting a hearing for July 15th, 2009.

7. Dr. Bendy has no plans to practice medicine in West Virginia in the future, he admits the above Findings of Fact, and wishes to enter into this Consent Order in order to settle this matter and terminate his dispute with the Board.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges of disqualification of Dr. Bendy from the practice of medicine and surgery in the State of West Virginia due to violations of the West Virginia Medical Practice Act and Rules of the Board, including W. Va. Code § 30-3-14(c) (13), (17) and (20), and 11 CSR 1A 12.1(e),(j), and (x), and 11 CSR 1A 12.2(a)(A),(B), (D), and (d), all relating to unprofessional, unethical and dishonorable conduct.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Bendy, and to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. Bendy enters into this Consent Order.

CONSENT

Robert Harold Bendy, Jr., M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order, to the following:

1. Dr. Bendy acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a public hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, et seq.

2. Dr. Bendy further acknowledges that he has the following rights, among others: the right to a formal public hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Bendy waives all rights to such a public hearing.

4. Dr. Bendy consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Bendy understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions

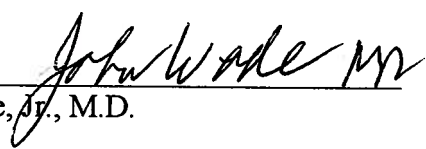
of Law of the Board, and on the basis of the Consent of Dr. Bendy, the West Virginia Board of Medicine hereby **ORDERS** as follows:

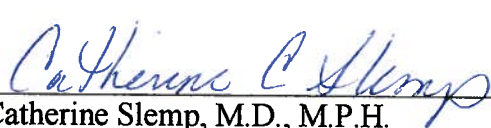
1. Effective May ²⁰~~15~~, 2009, Dr. Bendy's License No. 16475, is **SURRENDERED** to the Board.

2. Dr. Bendy will not apply to the Board for licensure in the future, and if he does, his application will be denied.

The foregoing Consent Order was entered this 27th day of May, 2009.

WEST VIRGINIA BOARD OF MEDICINE


John A. Wade, Jr., M.D.
President


Catherine Slemp, M.D., M.P.H.
Secretary


Robert Harold Bendy, Jr., M.D.

Date: 5/20/09

STATE OF West Virginia
COUNTY OF Kanawha

I, Leslie A. Higginbotham, a Notary Public for said county and state
do hereby certify that Robert Harold Bendy, Jr., M.D., whose name is signed on the previous
page, has this day acknowledged the same before me.

Given under my hand this 20th day of May, 2009.

My commission expires November 20, 2017.

Leslie A. Higginbotham
Notary Public

